

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CA #: 04-12013NMG

BRANDON ASSOCIATES, LLC,
Plaintiff,

v.

FAILSAFE AIR SAFETY SYSTEMS, CORP.,
BLUE SAGE CONSULTING, INC.,
ELCON MEDICAL, DEBRA ESPE, and
ALAN FEURSTEIN,
Defendants.

AFFIDAVIT

I Robert N. Wilson, Jr., under oath do depose and say:

1. I am an attorney in good standing, with a principal place of business of 46 Washington Street, P.O. Box 633, Ayer, MA 01432;
2. I am the attorney for Blue Sage Consulting, Inc., a Massachusetts corporation with a principal place of business located at 6 Hearthstone Road, Hopkinton, MA;
3. I have been engaged in the active practice of law before the Courts of the Commonwealth, and this Honorable Court for more than thirteen years, and have appeared on numerous occasions in these Courts;
4. My standard hourly rate, based upon my experience in complex civil litigation is \$250.00 per hour;
5. I have been engaged by Blue Sage Consulting, Inc. to represent it relative to the instant action, and was engaged in providing legal services prior to the service of the Amended Complaint, and up to and including the appearance in Court on December 9th, 2004;
6. Throughout the course of my representation of Blue Sage, I have been called upon to review hundreds, if not thousands of pages of documents which were relevant to the preparation of the defense of Blue Sage in this action, and which were provided prior to Blue Sage being released from this action by order of the Court dated December 9th, 2004;

7. During the preliminary stages of the litigation, I had numerous communications with then-counsel, Stacy Silveira, Esquire, in which we discussed the real impact of amending the complaint to include the Massachusetts Corporation, Blue Sage;
8. I explained that, upon information and belief, there appeared to be no likelihood that the Plaintiff is naming the Defendant in the Amended Complaint for any other reason than to destroy diversity jurisdiction;
9. Upon information and belief, the actions of Bandon Associates, LLC in naming the Defendant, Blue Sage Consulting was done so in bad faith;
10. Upon information and belief, the Defendant, Blue Sage, is entitled to costs and attorney's fees as a consequence of the bad faith addition of Blue Sage as a direct defendant to the Amended Complaint..



Robert N. Wilson, Jr., Esquire
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P.O. Box 633
Ayer, MA 01432-0633
(978) 772-9014

Dated: July 25, 2005

Bill for Legal Services Rendered
Brandon Associates, LLC v. Failsafe Air Safety Systems, Inc., et al.
August 1, 2004 to Date

Date	Service	Time
08/26/2004	Telephone conference with Pam Campagna	0.50
09/15/2004	Memorandum of telephone conversation with Pam Campagna	0.50
09/16/2004	Review e-mails from Paul Chirayath to Pam Campagna	0.45
09/17/2004	Review complaint filed by Brandon Associates, LLC against Failsafe Air Safety Systems, Inc.	0.65
09/21/2004	Telephone conference with Alan Feuerstein, Esq.	0.40
09/21/2004	Telephone conference with Pam Campagna	0.80
09/24/2004	Telephone conference with Stacy Silviera, Esq. re: amended complaint and accepting service	0.35
09/24/2004	Review amended complaint adding Blue Sage as a defendant	1.00
09/24/2004	Telephone conference with client about complaint	0.55
09/27/2004	Review e-mails sent by Pam Campagna	1.00
09/29/2004	Review Amended Complaint and Attachments following service by Deputy Sheriff	0.70
09/30/2004	Letter to client	0.30
10/05/2004	Telephone conference with Alan Feuerstein, Esq. re: Amended Complaint, response	0.40
10/05/2004	Telephone conference with Alan Feuerstein, Esq.	0.50
10/05/2004	Review Motion to Strike	1.00
10/05/2004	Telephone conference with Laurie Ruskin, Esq. re: Motion	0.60

10/06/2004	Telephone conference with Laurie Ruskin, Esquire Attorney for Failsafe, Alan Feuerstein, et al.	0.50
10/06/2004	Review documents provided by the Plaintiff.	1.80
10/09/2004	Review Verified Complaint and Documents.	0.70
11/22/2004	Telephone conference with Pam Campagna	0.40
11/23/2004	Legal Research re: Motion to Dismiss.	1.30
11/24/2004	Prepare Motion to Dismiss pursuant to Rule 12(b) and Memorandum and affidavit.	2.75
11/25/2005	Review and revise Motion to Dismiss and Prepare Motion for Attorney Fees and Costs.	2.00
11/26/2004	File Motion with Federal Court	0.45
11/29/2004	Telephone conference with Laurie Ruskin, Esq.	0.45
12/06/2004	Prepare for Hearing on December 9, 2004.	1.40
12/09/2004	Hearing on Motion to Dismiss/Motion for Attorney Fees.	1.50

Total Hours:	22.95
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((@\$250/hour):	\$5,737.50
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Total Due:	\$5,700.00
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Please remit payment upon receipt of Invoice. Thank You.